

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GREGORY GARRETT BROWN,

Petitioner,

v.

R.M. LAWLER, Superintendent, *et al.*,

Respondents.

Civil Action No. 08-312 Erie

**MEMORANDUM ORDER**

This petition for writ of habeas corpus was received by the Clerk of Court on November 12, 2008 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on August 19, 2009 [38], recommends that the petition for writ of habeas corpus be denied and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at SCI Huntingdon, where he is incarcerated, and on Respondents. Objections were filed by Petitioner on September 2, 2009 [39]. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 9th day of October, 2009;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is DENIED and that a certificate of appealability is DENIED.

The Report and Recommendation of Magistrate Judge Baxter, dated August 19, 2009 [38], is adopted as the opinion of the Court.

/s     Sean J. McLaughlin  
         SEAN J. McLAUGHLIN  
         United States District Judge

cm:     All parties of record.  
         U.S. Magistrate Judge Susan Paradise Baxter